

Subdivision 3, is amended to read:

Subd. 3. *The commissioner of administration may purchase, accept, and provide for the distribution of commodities or equipment directly sold or made available by the federal government or any of its agencies to the state at public auction or otherwise upon such terms and conditions as he may agree upon with the federal government or its agencies and in compliance with federal law and the rules and regulations provided thereunder. The commissioner of administration may authorize the head of any state department or agency to do any of the things provided in section 1 hereof under rules and regulations prescribed by him.*

Sec. 2. **Powers additional.** *This act is in addition to the powers now imposed upon or vested in state officers or departments and relating to their dealings with the federal government or any of its agencies.*

Approved April 22, 1955.

CHAPTER 676—S. F. No. 1586

[Coded]

An act providing for the protection of forests and forest values; by authorizing the state entomologist to make surveys and investigations; by requiring control of forest pests; by providing for cooperation between the state entomologist and owners and others for such purposes.

Be it enacted by the Legislature of the State of Minnesota:

Section 1 [89.51] **Definitions.** Subdivision 1. For the purposes of this act the terms described in this section have the meaning ascribed to them.

Subd. 2. Person, shall include any individual, firm, partnership, corporation, public or private, association or any other business entity whether or not incorporated.

Subd. 3. State entomologist shall include all department of agriculture, dairy and food, and department of forestry personnel deputized by the state entomologist.

Subd. 4. Director, division of forestry shall include department of conservation and department of agriculture, dairy and food personnel deputized by the director, division of forestry.

Subd. 5. Control, includes prevent, retard, suppress, eradicate or destroy.

Subd. 6. Infestation, includes actual, potential, incipient or emergency infestation or infection by forest pests.

Subd. 7. Cooperators, shall include state, federal, county, municipal and private governmental and business organizations and their legal representatives.

Subd. 8. Forest pest, means any vertebrate or invertebrate animal or plant pathogen which is determined by the state entomologist to be harmful, injurious or destructive to forests or timber.

Subd. 9. Forest land or forest, means land on which occurs a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses or other purposes, and shall include lands owned or controlled by the state of Minnesota.

Subd. 10. Timber, includes forest trees standing or down, alive or dead.

Sec. 2. [89.52] **State entomologist; surveys, investigations.** The state entomologist shall make surveys and investigations to determine the presence of infestations of forest pests. For this purpose duly designated representatives of the state entomologist may enter at reasonable times on public and private lands for the purpose of conducting such surveys and investigations.

Sec. 3. [89.53] **Control of forest pests.** Subdivision 1. Whenever the state entomologist finds that an area in the state is infested or threatened to be infested with forest pests, it shall determine whether measures of control are needed and are available and the area over which the control measures shall be applied. The state entomologist shall prescribe a proposed zone of infestation covering the area in which control measures are to be applied and shall publish notice of the proposal once a week, for two successive weeks in a newspaper having a general circulation in each county located in whole or in part in the proposed zone of infestation.

Subd. 2. The notice shall include a description of the boundaries of the proposed zone of infestation and a time and place where owners of forest lands in the zone may show cause orally or in writing why the zone should or should not be established. The state entomologist shall consider any statements received in determining whether the zone shall be established.

Sec. 4. [89.54] **Zones of infestation.** Upon the decision by the state entomologist that the establishment of a zone is necessary, he shall make a written order establishing said zone, and upon making said order, said zone shall be established. Notice of the establishment of the zone shall thereupon

be published in a newspaper having a general circulation in each county located in whole or in part in the proposed zone.

Sec. 5. [89.55] Infestation control. Upon the establishment of the zone of infestation, the state entomologist may apply measures of infestation control on public and private forest and other lands within such zone and to any trees, timber, plants or shrubs thereon harboring or which may harbor the forest pests. For this purpose, the duly authorized representatives of the state entomologist are authorized to enter upon any lands, public or private within such zone. The state entomologist may enter into agreements with owners of the lands in the zone covering the control work on their lands, and fixing the pro rata basis on which the cost of such work will be shared between the state entomologist and said owner.

Sec. 6. [89.56] Expenses. Subdivision 1. At the end of each fiscal year and upon completion of the infestation control measures in any zone of infestation, the state entomologist shall prepare a certified statement of expenses incurred in carrying out such measures, including expenses of owners covered by agreements entered into pursuant to section 5. The statement shall show the amount which the state entomologist determines to be its share of the expenses. The share of the state entomologist may include funds and the value of other contributions made available by the federal government and other cooperators. The balance of such costs shall constitute a charge on an acreage basis as provided herein against the owners of lands in the zone containing trees valuable or potentially valuable for commercial timber purposes and affected or likely to be affected by the forest pests for which control measures were conducted. In fixing the rates at which charges shall be made against each owner, the state entomologist shall consider the present commercial value of the trees on his land, the present and potential benefits to such owner from the application of the control measures, and the cost of applying such measures to his land, and such other factors as in the discretion of the state entomologist will enable it to determine an equitable distribution of the cost to all such owners including the recommendations of the director, division of forestry. No charge shall be made against owners to the extent that they have individually or as members of a cooperative association contributed funds, supplies or services pursuant to agreement under section 6.

Subd. 2. Notice of said charge and the amount thereof shall be given to the owner by delivery or by depositing the same in the United States mails in an envelope properly addressed to him and bearing sufficient postage. The owner shall

have the right to protest such charge to the state entomologist within 60 days from the date of such notice. He shall also have the same right to review of such charge as is provided with respect to ad valorem property assessments. Application for such review shall be made within 60 days from the date of action by the state entomologist on any protest.

Subd. 3. The unpaid charges assessed under this act and the actions of the state entomologist on any protests filed pursuant to subdivision 2, shall be reported to the tax levying authority for the county in which the lands for which the charges are assessed are situated and shall be made a public record. Any charges finally determined to be due shall become a special assessment and shall be payable in the same manner and with the same interest and penalty charges and with the same procedure for collection as apply to ad valorem property taxes. Upon collection of the charges the county treasurer shall forthwith cause the amounts thereof to be paid to the forest pest control fund created by this act. Any unpaid charge or lien against the lands shall not be affected by the sale thereof or by dissolution of the zone of infestation.

Sec. 7. [89.57] **Dissolution of zone infestation.** Whenever the state entomologist shall determine that forest pest control work within an established zone of infestation is no longer necessary or feasible, the state entomologist shall dissolve the zone.

Sec. 8. [89.58] **Forest pest control fund.** All moneys collected under the provisions of this act together with such moneys as may be appropriated by the legislature or allocated by the legislative advisory committee for the purposes of this act, and such moneys as may be contributed or paid by the federal government, or any other public or private agency, organization or individual, shall be deposited in the state treasury, to the credit of the forest pest control fund, which fund is hereby created, and any moneys therein are appropriated to the state entomologist's office for use in carrying out the purposes of this act.

Sec. 9. [89.59] **Cooperation.** The state entomologist may cooperate with the United States or agencies thereof, other agencies of the state, county or municipal governments, agencies of neighboring states or other public or private organizations or individuals and may accept such funds, equipment, supplies or services from cooperators and others as it may provide in agreements with the United States or its agencies for matching of federal funds as required under laws of the United States relating to forest pests.

Sec. 10. [89.60] **State entomologist; duties, rules.** The state entomologist is authorized to employ personnel in accordance with the laws of this state, to procure necessary equipment, supplies and service, to enter into contracts, to provide funds to any agency of the United States for work or services under this act, and to designate or appoint, as its representatives, employees of its cooperators including employees of the United States or any agency thereof. The state entomologist may prescribe rules and regulations for carrying out the purposes of this act.

Sec. 11. [89.61] **Act supplemental.** Provisions of this act are supplementary to and not to be construed to repeal existing legislation.

Approved April 22, 1955.

CHAPTER 677—S. F. No. 1588

[Not Coded]

An act authorizing the construction of dormitory and food service facilities at the state teachers colleges.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **State teachers college board, construction of certain buildings.** The State Teachers College Board is hereby authorized to proceed with the construction and equipping of structures to be used for dormitory, food service, cafeteria, and student center at the Mankato, St. Cloud, Winona, Moorhead, and Bemidji Teachers Colleges. Such construction may not exceed \$3,100,000 and such construction shall be financed by revenue bonds which may be refunded by increasing existing rates for such facilities.

Sec. 2. **Repealer.** Laws 1949, Chapter 742, Sec. 4, Subd. 6, is hereby repealed.

Approved April 22, 1955.

CHAPTER 678—S. F. No. 141

An act requiring guarding of machines and prohibiting disposition of unguarded machines; amending Minnesota Statutes 1953, Section 182.05.

Be it enacted by the Legislature of the State of Minnesota: